1713

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): D. R. Bassett, et al.

Application Serial No.: 09/737,269 Group Art Unit: 1713

Filed: December 14, 2000 Examiner: Kelechi C. Egwim

For: ALKALI SOLUBLE LATEX THICKENERS

#6 7/22/02

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITHTHE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL WITH SUFFICIENT POSTAGE IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON:

July 10, 2002
DATE OF DEPOSIT

Abby Doyle
PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

Abby Doyle
SIGNATURE OF PERSON SIGNING CERTIFICATE

July 10, 2002
DATE OF SIGNATURE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REPLY UNDER 37 CFR 1.111

This is in response to the Office Action dated April 24, 2002.

Applicants have identified several inconsistencies between information reported in the filing receipt and Office Action as compared with the subject application. The subject application is entitled "Alkali Soluble Latex Thickeners" (rather than "Process for Preparing Aqueous Polymer Emulsions") and has claims 1-18 (rather than 1-10). After a brief telephone discussion with the examiner, it appears that examination has been based upon International Application Number PCT/US94/06998 (WO 95/00565 which published January 5, 1995) rather than correct application - PCT application PCT/US99/13406 (WO 99/65958). The declaration filed with the application correctly refers to PCT/US99/13406. In accordance with 35 CFR 1.495 (b) (1), an additional copy of the application was

filed when applicants entered the US national phase from their PCT application (PCT/US99/13406). To facilitate the examiner's review of this matter, copies of both PCT applications referenced above are provided. Applicants request examination of the correct application.

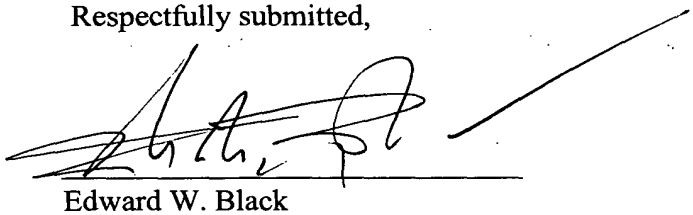
The "marked up" Citation of References document indicates that several references were not submitted but only listed. Copies of these references are included along with additional material. Please charge any required fees associated with this submission to applicants' deposit account.

The claims stand rejected under 35 USC §102(b) as being anticipated by the following US patents, (all of which are related to one another): US Patent Nos.: 5,399,618; 5,436,292; 5,476,900; 5,561,189 and 5,629,375. More specifically, the examiner has indicated that these references have the "*EXACT same disclosure as the present application and, between the five of them, have the exact same claims*". Applicants respectfully traverse the rejection. Contrary to the examiner's assertion, the present invention specifically includes a polymer wherein the monoethylenically unsaturated monomer (B) comprises a methyl group and the polymer has a viscosity of at least 10,000cP at a pH of less than about 6.0. As indicated in the "Background of the Invention" section of the subject application, prior art alkali soluble thickeners for use in coating compositions are known in the art and typically comprise an aqueous emulsion reaction product of: (A) a monoethylenically unsaturated carboxylic acid, (B) a monoethylenically unsaturated monomer different from (A), e.g. ethyl acrylate and (C) a macromonomer comprising a hydrophobic portion and an alkoxylated portion which is polymerizable with monomers (A) and (B). Typically, alkali soluble thickeners such as described begin to solublize and demonstrate viscosity enhancement at a pH of greater than 6.0 and often in the range of about 6.5 or higher. Accordingly, such alkali soluble thickeners have not found wide acceptance in personal care applications which require viscosity enhancement at or below the pH of skin, e.g. from about 6.5 to 6.8. As noted in the "Summary of the Invention" section of the present invention, it is now possible to provide alkali soluble latex polymers which are suitable for use in personal care applications. Quite surprisingly, it has been found that when the monoethylenically

unsaturated monomer (B) comprises a methyl group, preferably methyl acrylate, solubilization of the polymer occurs at a pH of from about 4.5 to 6, thereby making the polymer suitable for use in personal care applications.

The references relied upon in support for the outstanding rejection do not appear to disclose each limitation provided in the pending claims. As such, applicants request reconsideration of the rejection.

Respectfully submitted,



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